

1 **SECTION 1103.** 49.471 (4) (b) 2. of the statutes is renumbered 49.471 (4) (a) 2m.
2 and amended to read:

3 49.471 (4) (a) 2m. A child who is under one year of age, whose mother was
4 determined to be eligible under subd. 1. 1g., and who lives with his or her mother in
5 this state.

6 **SECTION 1104.** 49.471 (4) (b) 3. of the statutes is renumbered 49.471 (4) (a) 3g.

7 **SECTION 1105.** 49.471 (4) (b) 4. of the statutes is repealed.

8 **SECTION 1106.** 49.471 (4) (c) of the statutes is repealed.

9 **SECTION 1107.** 49.471 (4) (e) of the statutes is created to read:

10 49.471 (4) (e) If the department obtains approval from the federal department
11 of health and human services to provide an alternate benchmark plan under sub.
12 (11r), to the extent the federal department of health and human services approves,
13 the department may enroll in the alternate benchmark plan under sub. (11r) any
14 individual whose family income exceeds 100 percent of the poverty line, who is either
15 an adult who is not pregnant or a child, and who applies and is otherwise eligible to
16 receive benefits under this section, except that the department shall enroll a child
17 who has a parent who is enrolled in a plan under this section in the same plan as his
18 or her parent.

19 **SECTION 1107p.** 49.471 (4m) of the statutes is created to read:

20 49.471 (4m) ~~INCOME ELIGIBILITY EXCEPTIONS BASED ON EXCHANGE OPERATION.~~ (a)

21 1. If, by October 15, 2013, the department has not received a certification of an
22 American health benefit exchange, as described in 42 USC 18031, from the federal
23 department of health and human services, if such certification is required under
24 federal law, the department shall do all of the following for 90 days after December
25 31, 2013:

1 a. Allow individuals whose family income does not exceed 200 percent of the
2 poverty line and who would otherwise be eligible for benefits under sub. (4) (a) 4.
3 except for the income limit to be eligible to receive benefits under sub. (4) (a) 4.

4 b. If approved by the federal department of health and human services, allow
5 individuals whose family income does not exceed 200 percent of the poverty line, who
6 are receiving benefits under s. 49.45 (23) as of December 31, 2013, and who would
7 otherwise be eligible for benefits under s. 49.45 (23) (a) except for the income limit
8 to be eligible to receive benefits under s. 49.45 (23).

9 2. If, before the 90 days under subd. 1. expire, the department determines it has
10 not yet received a certification of an American health benefit exchange, as described
11 in 42 USC 18031, from the federal department of health and human services, if such
12 certification is required under federal law, the department shall apply subd. 1. a. and
13 b. income eligibility levels to eligibility determinations under sub. (4) (a) 4. and s.
14 49.45 (23) for a 90–day period beginning on the day after the determination is made.
15 The department may continue to apply the income eligibility levels under subd. 1.
16 a. and b. for additional 90–day periods if the department has not yet received any
17 required certification of an American health benefit exchange.

18 3. The department shall request any necessary approval from the federal
19 department of health and human services to provide benefits under subd. 1. b. to only
20 those individuals receiving benefits under s. 49.45 (23) as of December 31, 2013.

21 (b) 1. If, after consulting with the office of the commissioner of insurance, the
22 department determines that in at least one county of the state, but not in all counties
23 of the state, there is no qualified health plan, as defined in 42 USC 18021 (a), offered
24 through an American health benefit exchange in which residents of the county may
25 enroll, the department shall allow, for 90 days after the day the department makes

1 the determination, individuals whose family income does not exceed 200 percent of
2 the poverty line, who would otherwise be eligible for benefits under sub. (4) (a) 4.
3 except for the income limit, and who reside in a county in which there is no qualified
4 health plan available for enrollment under an American health benefit exchange to
5 be eligible to receive benefits under sub. (4) (a) 4. if any of the following is satisfied.

6 a. The department determines that a waiver of federal Medicaid law is not
7 required to implement the income eligibility levels described under this subdivision.

8 b. The department requests a waiver of federal Medicaid law to allow parents
9 and caretaker relatives whose income levels do not exceed 200 percent of the poverty
10 line and who would otherwise be eligible for benefits under sub. (4) (a) 4. to receive
11 benefits and the federal department of health and human services approves the
12 waiver request.

13 2. If, before the 90 days under subd. 1. expire, and before the expiration of any
14 subsequent 90-day period expires, the department determines that a county still has
15 no qualified health plan available for enrollment under an American health benefit
16 exchange, the department shall apply the income eligibility exception under subd.
17 1.

18 **SECTION 1109.** 49.471 (5) (b) 2. of the statutes is renumbered 49.471 (5) (b) 2.
19 (intro.) and amended to read:

20 49.471 (5) (b) 2. (intro.) Except as provided in sub. (6) (a) 2., a child who is not
21 an unborn child is eligible for the benefits described in s. 49.46 (2) (a) and (b) during
22 the period beginning on the day on which a qualified entity determines, on the basis
23 of preliminary information, that the child's family income does not exceed 150
24 percent of the poverty line any of the following and ending on the applicable day
25 specified in subd. 3., unless the federal department of health and human services

1 approves the department's request to not extend eligibility to children during this
2 period:

3 **SECTION 1110.** 49.471 (5) (b) 2. a. to c. of the statutes are created to read:

4 49.471 (5) (b) 2. a. 150 percent of the poverty line for a child who is 6 years of
5 age or older but has not yet attained the age of 19.

6 b. 185 percent of the poverty line for a child who is one year of age or older but
7 has not yet attained the age of 6.

8 c. 300 percent of the poverty line for a child who is under one year of age.

9 **SECTION 1111.** 49.471 (5) (b) 3. a. of the statutes is amended to read:

10 49.471 (5) (b) 3. a. If the woman or child applies for benefits under sub. (4)
11 within the time required under par. (d), the benefits specified in subd. 1. or 2.,
12 whichever is applicable, end on the day on which the department or the county
13 department under s. 46.215, 46.22, or 46.23 determines whether the woman or child
14 is eligible for benefits under sub. (4), except that a child who is not an unborn child
15 is not eligible for benefits described in s. 49.46 (2) (a) and (b) during that time if the
16 federal department of health and human services approves the department's request
17 not to provide those benefits during that time.

18 **SECTION 1114.** 49.471 (6) (a) 1. of the statutes is amended to read:

19 49.471 (6) (a) 1. ~~Any~~ Except as provided in subd. 4., any pregnant woman,
20 including a pregnant woman under sub. (5) (b) 1., is eligible for medical assistance
21 under this section for any of the 3 months prior to the month of application if she met
22 the eligibility criteria under this section in that month.

23 **SECTION 1115.** 49.471 (6) (a) 2. of the statutes is amended to read:

24 49.471 (6) (a) 2. ~~Any~~ Except as provided in subd. 3. or 4., any child who is not
25 an unborn child, including a child under sub. (5) (b) 2., parent, or caretaker relative

1 whose family income is less than 150 percent of the poverty line is eligible for medical
2 assistance under this section for any of the 3 months prior to the month of application
3 if the individual met the eligibility criteria under this section and had a family
4 income of less than 150 percent of the poverty line in that month.

5 **SECTION 1116.** 49.471 (6) (a) 3. of the statutes is created to read:

6 49.471 (6) (a) 3. Any individual described in subd. 2. who is not disabled, not
7 elderly, and not pregnant, who is an adult, and whose family income exceeds 133
8 percent of the federal poverty level is not eligible for medical assistance under this
9 section for any of the 3 months before the month of application for medical assistance
10 benefits.

11 **SECTION 1117.** 49.471 (6) (a) 4. of the statutes is created to read:

12 49.471 (6) (a) 4. To the extent allowed by the federal department of health and
13 human services, any individual described in subd. 1. or 2. who is not disabled is not
14 eligible for medical assistance under this section for any of the 3 months before the
15 month of application for medical assistance benefits.

16 **SECTION 1117k.** 49.471 (6) (d) of the statutes is amended to read:

17 49.471 (6) (d) If an application under this section shows that an individual is
18 an essential person, the individual shall be provided the benefits specified under sub.
19 (4) (a) ~~or (b)~~.

20 **SECTION 1118.** 49.471 (7) (a) of the statutes is repealed.

21 **SECTION 1119.** 49.471 (7) (b) 1. of the statutes is amended to read:

22 49.471 (7) (b) 1. A pregnant woman whose family income exceeds 300 percent
23 of the poverty line may become eligible for coverage under this section if the
24 difference between the pregnant woman's family income and the applicable income
25 limit under sub. (4) ~~(b)~~ (a) is obligated or expended for any member of the pregnant

1 woman's family for medical care or any other type of remedial care recognized under
2 state law or for personal health insurance premiums or for both. Eligibility obtained
3 under this subdivision continues without regard to any change in family income for
4 the balance of the pregnancy and to the last day of the month in which the 60th day
5 after the last day of the woman's pregnancy falls. Eligibility obtained by a pregnant
6 woman under this subdivision extends to all pregnant women in the pregnant
7 woman's family.

8 **SECTION 1120.** 49.471 (7) (b) 2. of the statutes is amended to read:

9 49.471 (7) (b) 2. A child who is not an unborn child, whose family income
10 exceeds 150 percent of the poverty line, and who is ineligible under this section solely
11 because of sub. (8) (b), or whose family income exceeds 300 percent of the poverty line,
12 may obtain eligibility under this section if the difference between the child's family
13 income and 150 percent of the poverty line is obligated or expended on behalf of the
14 child or any member of the child's family for medical care or any other type of
15 remedial care recognized under state law or for personal health insurance premiums
16 or for both. Eligibility obtained under this subdivision during any 6-month period,
17 as determined by the department, continues for the remainder of the 6-month period
18 and extends to all children in the family.

19 **SECTION 1122.** 49.471 (7) (c) (intro.) of the statutes is amended to read:

20 49.471 (7) (c) (intro.) When calculating an individual's family income, the
21 department shall do all of the following, subject to par. (d):

22 **SECTION 1123.** 49.471 (7) (c) of the statutes, as affected by 2013 Wisconsin Act
23 (this act), is repealed.

24 **SECTION 1124.** 49.471 (7) (d) of the statutes is created to read:

1 49.471 (7) (d) In addition to applying other income counting requirements the
2 department shall do all of the following:

3 1. When calculating the family income of a member of a household who is not
4 disabled, include the income of all adults residing in the home for at least 60
5 consecutive days but exclude the income of a grandparent in a household containing
6 3 generations, unless the grandparent applies for or receives benefits as a parent or
7 caretaker relative under this section.

8 2. When determining the size of a family for purposes of determining income
9 eligibility, exclude from family size an adult whose income is included in a calculation
10 of family income solely under subd. 1.

11 3. Apply this paragraph only to the extent the federal department of health and
12 human services approves the income eligibility calculation methods, if approval is
13 required.

14 **SECTION 1125.** 49.471 (7) (e) of the statutes is created to read:

15 49.471 (7) (e) For the purpose of determining family income, the department
16 shall apply the regulations defining a household under 42 CFR 435.603 (f). To
17 determine the family size for a pregnant woman, the department shall include the
18 pregnant woman and the number of babies she is expecting.

19 **SECTION 1126.** 49.471 (8) (b) (intro.) of the statutes is amended to read:

20 49.471 (8) (b) (intro.) Except as provided in pars. (c), (cg), (cr), (ct), and (d), an
21 individual whose family income exceeds 150 percent of the poverty line is not eligible
22 for BadgerCare Plus if any of the following applies:

23 **SECTION 1127.** 49.471 (8) (cg) of the statutes is created to read:

1 49.471 (8) (cg) An individual who is not disabled and not pregnant, who is over
2 18 years of age, and whose family income exceeds 133 percent of the poverty line is
3 not eligible for BadgerCare Plus if all of the following apply:

4 1. The individual has any of the following:

5 a. Access to individual or family health coverage provided by an employer in
6 which the monthly premium that an employee would pay for an employee-only
7 policy does not exceed 9.5 percent of the family's monthly income.

8 b. Access to individual or family health coverage under the state employee
9 health plan.

10 2. The individual has access to any coverage described in subd. 1. during any
11 of the following times:

12 a. The 12 months before the first day of the month in which an individual
13 applies for and the month in which an individual applies for BadgerCare Plus.

14 b. The 3 months after the last day of the month in which the individual applies
15 for BadgerCare Plus.

16 c. The month including the date of the annual determination of the individual's
17 eligibility for Medical Assistance.

18 3. The individual does not have as a reason for not obtaining health insurance
19 any of the good cause reasons under par. (d) 2. a. to e.

20 **SECTION 1128.** 49.471 (8) (cr) of the statutes is created to read:

21 49.471 (8) (cr) 1. Subject to subd. 4., an individual who is any of the following
22 is not eligible for BadgerCare Plus if the criteria under par. (cg) 1. and 2. apply to that
23 individual:

1 a. An individual who is not disabled and who is a child, or unborn child, of an
2 individual whose family income is at a level determined by the department but no
3 lower than 133 percent of the poverty line.

4 b. A parent or caretaker relative who is not disabled, not pregnant, and an adult
5 and whose family income is at a level determined by the department but no lower
6 than 100 percent of the poverty line.

7 c. An adult, including a pregnant individual, who is not disabled, who is under
8 26 years of age; who is eligible to be covered under coverage a parent receives from
9 an employer; and whose family income is at a level determined by the department
10 but no lower than 100 percent of the poverty line.

11 2. An individual under subd. 1. is not ineligible if any of the good cause reasons
12 described in par. (d) 2. a. to e. is the reason that the individual did not obtain health
13 insurance coverage.

14 3. An individual under subd. 1. c. is not ineligible if any of the following good
15 cause reasons is the reason the individual did not obtain health insurance coverage:

16 a. The parent of the individual is no longer employed by the employer through
17 which the parent was eligible for coverage, and the parent does not have current
18 coverage.

19 b. The employer of the parent of the individual discontinued providing health
20 benefits to all employees.

21 4. The department may apply this paragraph to eligibility determinations for
22 BadgerCare Plus only if the federal department of health and human services
23 approves of the conditions to make that individual ineligible, if approval is required.

24 **SECTION 1129.** 49.471 (8) (ct) of the statutes is created to read:

1 49.471 (8) (ct) 1. If the federal department of health and human services
2 approves the department's request to add private major medical insurance as a type
3 of coverage which causes ineligibility, an individual who is not disabled and not
4 pregnant, who is over 18 years of age, whose family income exceeds 133 percent of
5 the poverty line, and who has coverage provided by private major medical insurance
6 in which the monthly premium does not exceed 9.5 percent of the family's monthly
7 income is not eligible for BadgerCare Plus.

8 2. If the federal department of health and human services approves of the
9 conditions to make that individual ineligible for BadgerCare Plus, an individual who
10 is any of the following is not eligible for BadgerCare Plus if he or she has the major
11 medical insurance coverage described under subd. 1.:

12 a. An individual who is not disabled and who is a child, or unborn child, of an
13 individual whose family income is at a level determined by the department but no
14 lower than 133 percent of the poverty line.

15 b. A parent or caretaker relative who is not disabled, not pregnant, and an adult
16 and whose family income is at a level determined by the department but no lower
17 than 100 percent of the poverty line.

18 **SECTION 1130.** 49.471 (8) (d) 1. a. of the statutes is amended to read:

19 49.471 (8) (d) 1. a. A pregnant woman, except as provided in pars. (cr) 1. c. and
20 (fm) 4.

21 **SECTION 1131.** 49.471 (8) (d) 1. b. of the statutes is amended to read:

22 49.471 (8) (d) 1. b. A child described in sub. (4) (a) 2. or ~~(b) 2.~~ 2m.

23 **SECTION 1132.** 49.471 (8) (d) 1. g. of the statutes is created to read:

24 49.471 (8) (d) 1. g. An adult who is disabled.

25 **SECTION 1133.** 49.471 (8) (d) 2. dg. of the statutes is created to read:

1 49.471 (8) (d) 2. dg. The insurance is owned by someone not residing with the
2 family and continuation of the coverage is beyond the family's control.

3 **SECTION 1134.** 49.471 (8) (d) 2. dr. of the statutes is created to read:

4 49.471 (8) (d) 2. dr. The insurance only covers services provided in a service
5 area that is beyond a reasonable driving distance.

6 **SECTION 1137.** 49.471 (8) (fm) of the statutes is created to read:

7 49.471 (8) (fm) If an individual who is one of the following individuals had the
8 health insurance coverage specified in par. (cg) 1. or (ct) but no longer has the
9 coverage, the individual is not eligible for BadgerCare Plus for the 3 calendar months
10 following the month in which the insurance coverage ended without a good cause
11 reason specified in par. (g):

12 1. An individual who is not disabled and not pregnant, who is over 18 years of
13 age, and whose family income exceeds 133 percent of the poverty line.

14 2. If the federal department of health and human services approves of the
15 department's request to make such an individual ineligible, an individual who is not
16 disabled and who is a child of an individual whose family income is at a level
17 determined by the department but no lower than 133 percent of the poverty line.

18 3. If the federal department of health and human services approves of the
19 department's request to make such an individual ineligible, a parent or caretaker
20 relative who is not disabled, not pregnant, and an adult and whose family income is
21 at a level determined by the department but no lower than 100 percent of the poverty
22 line.

23 4. If the federal department of health and human services approves of the
24 department's request to make such an individual ineligible, an adult, including a
25 pregnant individual, who is not disabled, who is under 26 years of age; who is eligible

1 to be covered under coverage a parent receives from an employer; and whose family
2 income is at a level determined by the department but no lower than 100 percent of
3 the poverty line.

4 **SECTION 1138.** 49.471 (8) (g) (intro.), 1., 2., 3., 4. and 5. of the statutes are
5 amended to read:

6 49.471 (8) (g) (intro.) Any of the following is a good cause reason for purposes
7 of ~~par.~~ pars. (f) and (fm):

8 1. The individual ~~or pregnant woman~~ was covered by a group health plan that
9 was provided by a subscriber through his or her employer, and the subscriber's
10 employment ended for a reason other than voluntary termination, unless the
11 voluntary termination was a result of the incapacitation of the subscriber or because
12 of an immediate family member's health condition.

13 2. The individual ~~or pregnant woman~~ was covered by a group health plan that
14 was provided by a subscriber through his or her employer, the subscriber changed
15 employers, and the new employer does not offer health insurance coverage.

16 3. The individual ~~or pregnant woman~~ was covered by a group health plan that
17 was provided by a subscriber through his or her employer, and the subscriber's
18 employer discontinued health plan coverage for all employees.

19 4. The ~~pregnant woman's~~ individual's coverage was continuation coverage and
20 the continuation coverage was exhausted in accordance with 29 CFR 2590.701-2 (4).

21 5. The individual's ~~or pregnant woman's~~ coverage terminated due to the death
22 or change in marital status of the subscriber.

23 **SECTION 1139.** 49.471 (8) (g) 5g. of the statutes is created to read:

24 49.471 (8) (g) 5g. The insurance coverage is owned by someone not residing
25 with the family and continuation of the coverage is beyond the family's control.

1 **SECTION 1140.** 49.471 (8) (g) 5r. of the statutes is created to read:

2 49.471 (8) (g) 5r. The insurance coverage only covers services provided in a
3 service area that is beyond a reasonable driving distance.

4 **SECTION 1141.** 49.471 (9) (a) 2. b. of the statutes is amended to read:

5 49.471 (9) (a) 2. b. A child described in sub. (4) (a) 2. or ~~(b) 2.~~ 2m.

6 **SECTION 1142.** 49.471 (10) (b) 1. of the statutes is amended to read:

7 49.471 (10) (b) 1. Except as provided in ~~subd.~~ subds. 1m. and 4., a recipient who
8 is an adult, who is not a pregnant woman, and whose family income is greater than
9 150 percent but not greater than 200 percent of the poverty line shall pay a premium
10 for coverage under BadgerCare Plus that does not exceed 5 percent of his or her
11 family income. If the recipient has self-employment income and is eligible under
12 sub. (4) (b) 4., the premium may not exceed 5 percent of family income calculated
13 before depreciation was deducted.

14 **SECTION 1143.** 49.471 (10) (b) 1. of the statutes, as affected by 2013 Wisconsin
15 Act (this act), is amended to read:

16 49.471 (10) (b) 1. Except as provided in subds. 1m. and 4., a recipient who is
17 an adult, who is not a pregnant woman, and whose family income is greater than 150
18 percent but not greater than 200 percent of the poverty line shall pay a premium for
19 coverage under BadgerCare Plus that does not exceed 5 percent of his or her family
20 income. ~~If the recipient has self-employment income and is eligible under sub. (4)~~
21 ~~(b) 4., the premium may not exceed 5 percent of family income calculated before~~
22 ~~depreciation was deducted.~~

23 **SECTION 1144.** 49.471 (10) (b) 1m. of the statutes is created to read:

24 49.471 (10) (b) 1m. Except as provided in subd. 4., a recipient who is an adult
25 parent or adult caretaker relative; who is not disabled, pregnant, or American

1 Indian; and whose family income exceeds 133 percent of the federal poverty line shall
2 pay a premium for coverage under BadgerCare Plus in an amount determined by the
3 department that is based on a formula in which costs decrease for those with lower
4 family incomes and that is no less than 3 percent of family income but no greater than
5 9.5 percent of family income. If the recipient has self-employment income and is
6 eligible under sub. (4) (b) 4., the premium may not exceed 5 percent of family income
7 calculated before depreciation was deducted. If the department intends to impose
8 a premium under this subdivision after December 31, 2013, the department shall
9 request from the federal department of health and human services any necessary
10 approval to continue imposing premiums under this subdivision.

11 **SECTION 1146.** 49.471 (10) (b) 2. of the statutes is amended to read:

12 49.471 (10) (b) 2. Except as provided in subds. 3. 3m. and 4., a recipient who
13 is a child whose family income is greater than 200 percent of the poverty line shall
14 pay a premium for coverage of the benefits described in sub. (11) that does not exceed
15 the full per member per month cost of coverage for a child with a family income of
16 300 percent of the poverty line.

17 **SECTION 1147.** 49.471 (10) (b) 3. of the statutes is repealed.

18 **SECTION 1148.** 49.471 (10) (b) 3m. of the statutes is created to read:

19 49.471 (10) (b) 3m. A recipient who is a child, who is not disabled, and whose
20 family income is at a level determined by the department that is at least 150 percent
21 of the poverty line shall pay a premium in an amount determined by the department.
22 The department may apply this subdivision only to the extent the federal
23 department of health and human services approves applying a premium to those
24 individuals, if approval is required.

25 **SECTION 1149.** 49.471 (10) (b) 4. (intro.) of the statutes is amended to read:

1 49.471 (10) (b) 4. (intro.) None of the following shall pay a premium, except as
2 provided in subd. 3m.:

3 **SECTION 1150.** 49.471 (10) (b) 4. b. of the statutes is amended to read:

4 49.471 (10) (b) 4. b. A child who is eligible under sub. (4) (a) 2. or ~~(b) 2.~~ 2m.

5 **SECTION 1151.** 49.471 (10) (b) 5. of the statutes is amended to read:

6 49.471 (10) (b) 5. If a recipient who is required to pay a premium under this
7 paragraph or under sub. (2m) or (4) (c) either does not pay a premium when due or
8 requests that his or her coverage under this section be terminated, the recipient's
9 coverage terminates ~~and. If the recipient is an adult,~~ the recipient is not eligible for
10 BadgerCare Plus for ~~6~~ 12 consecutive calendar months following the date on which
11 the recipient's coverage terminated, except for any month during that ~~6-month~~
12 12-month period when the recipient's family income does not exceed ~~150~~ 133 percent
13 of the poverty line. If the recipient is a child, the recipient is not eligible for
14 BadgerCare Plus for 3 consecutive calendar months, or up to 12 consecutive calendar
15 months if the federal department of health and human services approves, following
16 the date on which the recipient's coverage terminated, except for any month during
17 that period when the recipient's family income does not exceed 150 percent of the
18 poverty line. This period of ineligibility for a child does not apply to any child who
19 has paid the outstanding premiums.

20 **SECTION 1152.** 49.471 (10) (b) 5. of the statutes, as affected by 2013 Wisconsin
21 Act (this act), is amended to read:

22 49.471 (10) (b) 5. If a recipient who is required to pay a premium under this
23 paragraph or under sub. (2m) ~~or (4) (c)~~ either does not pay a premium when due or
24 requests that his or her coverage under this section be terminated, the recipient's
25 coverage terminates. If the recipient is an adult, the recipient is not eligible for

1 BadgerCare Plus for 12 consecutive calendar months following the date on which the
2 recipient's coverage terminated, except for any month during that 12-month period
3 when the recipient's family income does not exceed 133 percent of the poverty line.
4 If the recipient is a child, the recipient is not eligible for BadgerCare Plus for 3
5 consecutive calendar months, or up to 12 consecutive calendar months if the federal
6 department of health and human services approves, following the date on which the
7 recipient's coverage terminated, except for any month during that period when the
8 recipient's family income does not exceed 150 percent of the poverty line. This period
9 of ineligibility for a child does not apply to any child who has paid the outstanding
10 premiums.

11 **SECTION 1153.** 49.471 (11) (intro.) of the statutes is amended to read:

12 49.471 (11) BENCHMARK PLAN BENEFITS AND COPAYMENTS. (intro.) ~~Recipients~~
13 Except as provided in sub. (11r) and s. 49.45 (24j), recipients who are not eligible for
14 the benefits described in s. 49.46 (2) (a) and (b) shall have coverage of the following
15 benefits and pay the following copayments:

16 **SECTION 1154.** 49.471 (11) (a) of the statutes is amended to read:

17 49.471 (11) (a) Subject to sub. (6) (k), prescription drugs bearing only a generic
18 name, as defined in s. 450.12 (1) (b), with a copayment of no more than \$5 per
19 prescription, ~~and subject to the Badger Rx Gold program discounts.~~

20 **SECTION 1155.** 49.471 (11r) of the statutes is created to read:

21 49.471 (11r) ALTERNATE BENCHMARK PLAN BENEFITS AND COPAYMENTS. (a) If the
22 department chooses to provide the alternate benchmark plan under this subsection,
23 the department shall provide to the recipients described under sub. (4) (e) coverage
24 for benefits similar to those in a commercial, major medical insurance policy.

(b) The department may charge copayments to recipients receiving coverage under the alternate benchmark plan under this subsection that are higher than copayments charged to recipients receiving coverage under the standard plan under s. 49.46 (2). The department may not charge to a recipient of coverage under the alternate benchmark plan under this subsection whose family income is at or below 150 percent of the poverty line a copayment that exceeds 5 percent of the individual's family income for all members of the family.

(c) 1. The department may only provide coverage under the alternate benchmark plan under this subsection to the extent the alternate benchmark plan is approved by the federal department of health and human services.

2. If the department is providing coverage under the alternate benchmark plan under this subsection the department may discontinue coverage under the benchmark plan under sub. (11) for those individuals eligible for the alternate benchmark plan under this subsection.

3. The department may provide services to individuals enrolled in the alternate benchmark plan under this subsection through a medical home initiative similar to an initiative described under s. 49.45 (24j).

SECTION 1170. 49.475 (title) of the statutes is amended to read:

49.475 (title) Information about assistance program beneficiaries; electronic submission of claims.

SECTION 1171. 49.475 (2) (except 49.475 (2) (title)) of the statutes is renumbered 49.475 (2) (ac), and 49.475 (2) (ac) 1. b. and 4. (intro.), as renumbered, are amended to read:

1 49.475 (2) (ac) 1. b. If subd. 1. a. applies, the nature and period of time of any
2 coverage, benefit, or service provided, including the name, address, and identifying
3 number of any applicable coverage plan.

4 4. (intro.) If all of the following apply, agree not to deny a claim submitted by
5 the department under ~~par. (b)~~ subd. 2. solely because of the claim's submission date,
6 the type or format of the claim form, or failure by a recipient to present proper
7 documentation at the time of delivery of the service, benefit, or item that is the basis
8 of the claim:

9 **SECTION 1172.** 49.475 (2) (bc) of the statutes is created to read:

10 49.475 (2) (bc) A 3rd party shall accept the submission of claims from the
11 department under par. (ac) 2. in electronic form and shall timely pay the claims in
12 the manner provided in s. 628.46 (1) and (2). For purposes of timely payment of
13 claims under this paragraph, "written notice" under s. 628.46 (1) includes receipt of
14 a claim in electronic form.

15 **SECTION 1173.** 49.475 (2m) (a) of the statutes is amended to read:

16 49.475 (2m) (a) The information that the department may request under this
17 section is limited to the information specified in sub. (2) ~~(a)~~ (ac) 1. and does not
18 include an employer's name unless that information is necessary for the department
19 or a provider to obtain 3rd-party payment for an item or service.

20 **SECTION 1174.** 49.475 (2m) (b) of the statutes is amended to read:

21 49.475 (2m) (b) If information under sub. (2) ~~(a)~~ (ac) 1. may be available from
22 more than one source that includes an employer operating a self-insured plan, the
23 department shall seek the information first from a 3rd-party administrator or other
24 entity identified in sub. (1) (f) 7. or pharmacy benefits manager before seeking the
25 information from the employer.

1 **SECTION 1175.** 49.475 (3) (intro.) of the statutes is amended to read:

2 49.475 (3) WRITTEN AGREEMENT. (intro.) Upon requesting a 3rd party to provide
3 the information under sub. (2) (a) (ac) 1., the department and the 3rd party shall
4 enter into a written agreement that satisfies all of the following:

5 **SECTION 1176.** 49.475 (4) (a) of the statutes is amended to read:

6 49.475 (4) (a) A 3rd party shall provide the information requested under sub.
7 (2) (a) (ac) 1. within 180 days after receiving the department's request if it is the first
8 time that the department has requested the 3rd party to disclose information under
9 this section.

10 **SECTION 1177.** 49.475 (4) (b) of the statutes is amended to read:

11 49.475 (4) (b) A 3rd party shall provide the information requested under sub.
12 (2) (a) (ac) 1. within 30 days after receiving the department's request if the
13 department has previously requested the 3rd party to disclose information under
14 this section.

15 **SECTION 1178.** 49.475 (5) of the statutes is amended to read:

16 49.475 (5) REIMBURSEMENT OF COSTS. From the appropriations under s. 20.435
17 (4) (bm) and (pa), the department shall reimburse a 3rd party that provides
18 information under sub. (2) (a) (ac) 1. for the 3rd party's reasonable costs incurred in
19 providing the requested information, including its reasonable costs, if any, to develop
20 and operate automated systems specifically for the disclosure of the information.

21 **SECTION 1179.** 49.496 (1) (a) of the statutes is renumbered 49.496 (1) (ah).

22 **SECTION 1180.** 49.496 (1) (af) of the statutes is created to read:

23 49.496 (1) (af) "Decedent" means a deceased recipient or a deceased
24 nonrecipient surviving spouse, whichever is applicable.

25 **SECTION 1181.** 49.496 (1) (bk) of the statutes is created to read:

49.496 (1) (bk) “Long-term care program” means any of the following:

1. The family care program providing the benefit under s. 46.286.

2. The self-directed services option that operates under a waiver from the secretary of the federal department of health and human services under 42 USC 1396n (c) in which an enrolled individual selects his or her own services and service providers.

3. The family care partnership program that is an integrated health and long-term care program operated under an amendment to the state medical assistance plan under 42 USC 1396u-2 and a waiver under 42 USC 1396n (c).

4. The program for all-inclusive care for the elderly under 42 USC 1396u-4.

5. Any program that provides long-term care services and is operated by the department under an amendment to the state medical assistance plan under 42 USC 1396n (i) or 42 USC 1396u-2; a waiver of medical assistance laws under 42 USC 1396n (c), 42 USC 1396n (b) and (c), or 42 USC 1396u; or a demonstration project under 42 USC 1315 or 42 USC 1396n (c).

SECTION 1182. 49.496 (1) (bw) of the statutes is created to read:

49.496 (1) (bw) “Nonrecipient surviving spouse” means any person who was married to a recipient while the recipient was receiving services for which the cost may be recovered under sub. (3) (a) and who survived the recipient.

SECTION 1183. 49.496 (1) (cm) of the statutes is created to read:

49.496 (1) (cm) 1. “Property of a decedent” means all real and personal property to which the recipient held any legal title or in which the recipient had any legal interest immediately before death, to the extent of that title or interest, including assets transferred to a survivor, heir, or assignee through joint tenancy, tenancy in common, survivorship, life estate, living trust, or any other arrangement.

1 2. Notwithstanding subd. 1., “property of a decedent” includes all real and
2 personal property in which the nonrecipient surviving spouse had an ownership
3 interest at the recipient’s death and in which the recipient had a marital property
4 interest with that nonrecipient surviving spouse at any time within 5 years before
5 the recipient applied for medical assistance or during the time that the recipient was
6 eligible for medical assistance.

7 **SECTION 1184.** 49.496 (3) (a) (intro.) of the statutes is amended to read:

8 49.496 (3) (a) (intro.) Except as provided in par. (b), the department shall file
9 a claim against the estate of a recipient, and against the estate of a nonrecipient
10 surviving spouse, for all of the following, subject to the exclusion of any amounts
11 under the Long–Term Care Partnership Program established under s. 49.45 (31),
12 unless already recovered by the department under this section:

13 **SECTION 1185.** 49.496 (3) (a) 2. a. of the statutes is amended to read:

14 49.496 (3) (a) 2. a. Home–based or community–based services under 42 USC
15 1396d (a) (7) and (8) ~~and under any waiver granted under 42 USC 1396n (c) (4) (B)~~
16 ~~or 42 USC 1396u.~~

17 **SECTION 1186.** 49.496 (3) (a) 2. am. of the statutes is created to read:

18 49.496 (3) (a) 2. am. All services provided to an individual while the individual
19 is participating in a long–term care program.

20 **SECTION 1187.** 49.496 (3) (a) 2. b. of the statutes is repealed.

21 **SECTION 1188.** 49.496 (3) (a) 2. c. of the statutes is repealed.

22 **SECTION 1189.** 49.496 (3) (ad) of the statutes is created to read:

23 49.496 (3) (ad) The amount the department may claim against an estate of a
24 recipient, or an estate of a nonrecipient surviving spouse, for services that are
25 described under par. (a) 2. am. and that are provided by a managed long–term care

1 program funded by capitated payments is equal to the amount of the capitated
2 payment for the recipient.

3 **SECTION 1190.** 49.496 (3) (aj) of the statutes is created to read:

4 49.496 (3) (aj) 1. Property that is subject to the department's claim under par.
5 (a) in the estate of a recipient or in the estate of a nonrecipient surviving spouse is
6 all property of a decedent that is included in the estate.

7 2. There is a presumption, which may be rebutted by clear and convincing
8 evidence, that all property in the estate of a nonrecipient surviving spouse was
9 marital property held with the recipient and that 100 percent of the property in the
10 estate of the nonrecipient surviving spouse is subject to the department's claim
11 under par. (a).

12 **SECTION 1191.** 49.496 (3) (am) (intro.) of the statutes is amended to read:

13 49.496 (3) (am) (intro.) The court shall reduce the amount of a claim under par.
14 (a) by up to the amount specified in s. 861.33 (2) if necessary to allow the recipient's
15 decedent's heirs or the beneficiaries of the recipient's decedent's will to retain the
16 following personal property:

17 **SECTION 1192.** 49.496 (3) (c) 1. of the statutes is amended to read:

18 49.496 (3) (c) 1. If the department's claim is not allowable because of par. (b)
19 and the estate includes an interest in any real property, including a home, the court
20 exercising probate jurisdiction shall, in the final judgment or summary findings and
21 order, assign the interest in the ~~home~~ real property subject to a lien in favor of the
22 department for the amount described in par. (a). The personal representative or
23 petitioner for summary settlement or summary assignment of the estate shall record
24 the final judgment as provided in s. 863.29, 867.01 (3) (h), or 867.02 (2) (h).

25 **SECTION 1193.** 49.496 (3) (c) 2. of the statutes is amended to read:

1 49.496 (3) (c) 2. If the department's claim is not allowable because of par. (b),
2 the estate includes an interest in any real property, including a home, and the
3 personal representative closes the estate by sworn statement under s. 865.16, the
4 personal representative shall stipulate in the statement that the ~~home~~ real property
5 is assigned subject to a lien in favor of the department for the amount described in
6 par. (a). The personal representative shall record the statement in the same manner
7 as described in s. 863.29, as if the statement were a final judgment.

8 **SECTION 1194.** 49.496 (3) (d) (intro.) of the statutes is amended to read:

9 49.496 (3) (d) (intro.) The department may not enforce ~~the~~ a lien under par. (c)
10 as long as any of the following survive the decedent:

11 **SECTION 1195.** 49.496 (3) (dm) of the statutes is created to read:

12 49.496 (3) (dm) All of the following apply to a lien under par. (c) that the
13 department may not enforce because of par. (d):

14 1. If the decedent's surviving spouse or child who is under age 21 or disabled
15 refinances a mortgage on the real property, the lien is subordinate to the new
16 encumbrance.

17 2. The department shall release the lien in the circumstances described in s.
18 49.848 (5) (f).

19 **SECTION 1196.** 49.496 (6m) of the statutes is amended to read:

20 49.496 (6m) **WAIVER DUE TO HARDSHIP.** The department shall promulgate rules
21 establishing standards for determining whether the application of this section would
22 work an undue hardship in individual cases. If the department determines that the
23 application of this section would work an undue hardship in a particular case, the
24 department shall waive application of this section in that case. This subsection does

1 not apply with respect to claims against the estates of nonrecipient surviving
2 spouses.

3 **SECTION 1197.** 49.4962 of the statutes is created to read:

4 **49.4962 Voiding certain transfers of real property.** (1) DEFINITIONS. In
5 this section:

6 (a) “Conveyance” has the meaning given in s. 706.01 (4).

7 (b) “Fair market value” means the price that a willing buyer would pay a willing
8 seller for the purchase of real property.

9 (c) “Fraudulent transfer” means any of the following:

10 1. A transfer of title to real property for less than fair market value.

11 2. A transfer of title to real property by a conveyance that is not recorded during
12 the lifetime of the grantor in the office of the register of deeds of the county in which
13 the real property is located.

14 (d) “Grantee” has the meaning given in s. 706.01 (6).

15 (e) “Grantor” has the meaning given in s. 706.01 (6).

16 (2) VOIDABLE TRANSFERS. (a) A transfer of real property to which all of the
17 following apply is voidable by the department:

18 1. The transfer was made by a grantor who was receiving or who received
19 medical assistance, or by someone on his or her behalf, during the time that the
20 grantor was eligible for medical assistance.

21 2. The department was not notified and was unaware that the transfer was
22 made.

23 3. The transfer was made to hinder, delay, or defraud the department from
24 recovering medical assistance benefits that were paid on behalf of the grantor.

1 (b) The department may commence an action in circuit court against the
2 grantee to void the transfer. If the court voids the transfer, the title to the real
3 property reverts to the grantor or his or her estate.

4 (3) PRESUMPTION. There is a presumption, which may be rebutted by clear and
5 convincing evidence, that a transfer described in sub. (2) (a) 1. that is a fraudulent
6 transfer was made to hinder, delay, or defraud the department from recovering
7 medical assistance benefits that were paid on behalf of the grantor.

8 (4) BURDEN OF PROOF. With respect to a transfer under sub. (1) (c) 1., the burden
9 of proof for establishing fair market value is on the grantee. Fair market value must
10 be established through a credible methodology, which may include an appraisal
11 performed by a licensed appraiser.

12 (5) INAPPLICABLE TO PURCHASER IN GOOD FAITH. Subsection (2) does not apply if,
13 after the transfer described in sub. (2), the real property was transferred by a
14 conveyance to a purchaser in good faith and for a valuable consideration and the
15 conveyance was recorded.

16 (6) APPLICABILITY. This section applies to any of the following transfers of real
17 property:

18 (a) A transfer that is made on or after the effective date of this paragraph
19 [LRB inserts date].

20 (b) A transfer that was made before the effective date of this paragraph [LRB
21 inserts date], if the grantor is receiving medical assistance on, or receives medical
22 assistance after, the effective date of this paragraph [LRB inserts date].

23 **SECTION 1198.** 49.67 of the statutes, as affected by 2013 Wisconsin Act 8, is
24 repealed.

25 **SECTION 1199.** 49.682 (1) (am) of the statutes is created to read:

1 49.682 (1) (am) “Decedent” means a deceased client or a deceased nonclient
2 surviving spouse, whichever is applicable.

3 **SECTION 1200.** 49.682 (1) (d) of the statutes is created to read:

4 49.682 (1) (d) “Nonclient surviving spouse” means any person who was married
5 to a client while the client was receiving services for which the cost may be recovered
6 under sub. (2) (a) and who survived the client.

7 **SECTION 1201.** 49.682 (1) (e) of the statutes is created to read:

8 49.682 (1) (e) 1. “Property of a decedent” means all real and personal property
9 to which the client held any legal title or in which the client had any legal interest
10 immediately before death, to the extent of that title or interest, including assets
11 transferred to a survivor, heir, or assignee through joint tenancy, tenancy in common,
12 survivorship, life estate, living trust, or any other arrangement.

13 2. Notwithstanding subd. 1., “property of a decedent” includes all real and
14 personal property in which the nonclient surviving spouse had an ownership interest
15 at the client’s death and in which the client had a marital property interest with that
16 nonclient surviving spouse at any time within 5 years before the client applied for
17 aid under s. 49.68, 49.683, or 49.685 or during the time that the recipient was eligible
18 for aid under s. 49.68, 49.683, or 49.685.

19 **SECTION 1202.** 49.682 (2) (a) of the statutes is amended to read:

20 49.682 (2) (a) Except as provided in par. (d), the department shall file a claim
21 against the estate of a client ~~or, and~~ against the estate of the a nonclient surviving
22 spouse ~~of a client~~, for the amount of aid under s. 49.68, 49.683, or 49.685 paid to or
23 on behalf of the client.

24 **SECTION 1203.** 49.682 (2) (bm) of the statutes is created to read:

1 49.682 (2) (bm) 1. Property that is subject to the department's claim under par.
2 (a) in the estate of a client or in the estate of a nonclient surviving spouse is all
3 property of a decedent that is included in the estate.

4 2. There is a presumption, which may be rebutted by clear and convincing
5 evidence, that all property in the estate of the nonclient surviving spouse was marital
6 property held with the client and that 100 percent of the property in the estate of the
7 nonclient surviving spouse is subject to the department's claim under par. (a).

8 **SECTION 1204.** 49.682 (2) (c) (intro.) of the statutes is amended to read:

9 49.682 (2) (c) (intro.) The court shall reduce the amount of a claim under par.
10 (a) by up to the amount specified in s. 861.33 (2) if necessary to allow the client's
11 ~~decedent's~~ heirs or the beneficiaries of the client's ~~decedent's~~ will to retain the
12 following personal property:

13 **SECTION 1205.** 49.682 (2) (e) 1. of the statutes is amended to read:

14 49.682 (2) (e) 1. If the department's claim is not allowable because of par. (d)
15 and the estate includes an interest in real property, including a home, the court
16 exercising probate jurisdiction shall, in the final judgment or summary findings and
17 order, assign the interest in the ~~home~~ real property subject to a lien in favor of the
18 department for the amount described in par. (a). The personal representative or
19 petitioner for summary settlement or summary assignment of the estate shall record
20 the final judgment as provided in s. 863.29, 867.01 (3) (h), or 867.02 (2) (h).

21 **SECTION 1206.** 49.682 (2) (e) 2. of the statutes is amended to read:

22 49.682 (2) (e) 2. If the department's claim is not allowable because of par. (d),
23 the estate includes an interest in real property, including a home, and the personal
24 representative closes the estate by sworn statement under s. 865.16, the personal
25 representative shall stipulate in the statement that the ~~home~~ real property is

1 assigned subject to a lien in favor of the department for the amount described in par.

2 (a). The personal representative shall record the statement in the same manner as
3 described in s. 863.29, as if the statement were a final judgment.

4 **SECTION 1207.** 49.682 (2) (f) (intro.) of the statutes is amended to read:

5 49.682 (2) (f) (intro.) The department may not enforce ~~the~~ a lien under par. (e)
6 as long as any of the following survive the decedent:

7 **SECTION 1208.** 49.682 (2) (fm) of the statutes is created to read:

8 49.682 (2) (fm) All of the following apply to a lien under par. (e) that the
9 department may not enforce because of par. (f):

10 1. If the decedent's surviving spouse or child who is under age 21 or disabled
11 refinances a mortgage on the real property, the lien is subordinate to the new
12 encumbrance.

13 2. The department shall release the lien in the circumstances described in s.
14 49.848 (5) (f).

15 **SECTION 1209.** 49.682 (3) of the statutes is amended to read:

16 49.682 (3) The department shall administer the program under this section
17 and may contract with an entity to administer all or a portion of the program,
18 including gathering and providing the department with information needed to
19 recover payment of aid provided under s. 49.68, 49.683, or 49.685. All funds received
20 under this subsection, net of any amount claimed under s. ~~867.035 (3)~~ 49.849 (5),
21 shall be remitted for deposit in the general fund.

22 **SECTION 1210.** 49.682 (5) of the statutes is amended to read:

23 49.682 (5) The department shall promulgate rules establishing standards for
24 determining whether the application of this section would work an undue hardship
25 in individual cases. If the department determines that the application of this section

1 would work an undue hardship in a particular case, the department shall waive
2 application of this section in that case. This subsection does not apply with respect
3 to claims against the estates of nonclient surviving spouses.

4 **SECTION 1210c.** 49.686 (6) of the statutes is repealed.

5 **SECTION 1211.** 49.78 (1) (b) of the statutes is amended to read:

6 49.78 (1) (b) “Income maintenance program” means the Medical Assistance
7 program under subch. IV of ch. 49, the Badger Care health care program under s.
8 49.665, the food stamp program under 7 USC 2011 to 2036 except for the employment
9 and training program described in s. 49.79 (9), or the cemetery, funeral, and burial
10 expenses program under s. 49.785.

11 **SECTION 1211b.** 49.78 (2) (b) 3. of the statutes is amended to read:

12 49.78 (2) (b) 3. That the department will reimburse a multicounty consortium
13 for services provided under the contract ~~on a risk-adjusted case load basis~~ using a
14 method determined by the department that includes the number of cases for which
15 the consortium is responsible and the complexity of those cases.

16 **SECTION 1211c.** 49.785 (1) (intro.) of the statutes is amended to read:

17 49.785 (1) (intro.) Except as provided in sub. (1m) and subject to s. 49.825, if
18 any recipient specified in sub. (1c) dies and the estate of the deceased recipient is
19 insufficient to pay the funeral, burial, and cemetery expenses of the deceased
20 recipient, from the appropriation under s. 20.435 (4) (br) ~~the department or county~~
21 ~~or applicable tribal governing body or organization responsible for burial of the~~
22 ~~recipient shall pay, to the person designated by the department or county~~
23 ~~department under s. 46.215, 46.22, or 46.23 or applicable tribal governing body or~~
24 ~~organization responsible for the burial of the recipient, all of the following:~~

25 **SECTION 1211d.** 49.785 (1m) (a) of the statutes is amended to read:

1 49.785 (1m) (a) If the total cemetery expenses for the recipient exceed \$3,500,
2 the department ~~or county or applicable tribal governing body or organization~~
3 ~~responsible for burial of the recipient~~ is not required to make a payment for the
4 cemetery expenses under sub. (1) (a).

5 **SECTION 1211e.** 49.785 (1m) (b) of the statutes is amended to read:

6 49.785 (1m) (b) If the total funeral and burial expenses for the recipient exceed
7 \$4,500, the department ~~or county or applicable tribal governing body or organization~~
8 ~~responsible for burial of the recipient~~ is not required to make a payment for funeral
9 and burial expenses under sub. (1) (b).

10 **SECTION 1211f.** 49.785 (1m) (c) of the statutes is amended to read:

11 49.785 (1m) (c) If a request for payment under sub. (1) is made more than 12
12 months after the death of the recipient, the department ~~or county or applicable tribal~~
13 ~~governing body or organization responsible for burial of the recipient~~ is not required
14 to make a payment for cemetery, funeral, or burial expenses.

15 **SECTION 1211g.** 49.785 (2) of the statutes is repealed.

16 **SECTION 1211h.** 49.785 (3) of the statutes is repealed.

17 **SECTION 1211m.** 49.79 (1) (a) of the statutes is renumbered 49.79 (1) (b).

18 **SECTION 1211n.** 49.79 (1) (am) of the statutes is created to read:

19 49.79 (1) (am) “Able-bodied adult” means an individual who is not any of the
20 following:

- 21 1. Younger than 18 years of age.
- 22 2. Fifty years of age or older.
- 23 3. Determined by the department to be medically certified as physically or
24 mentally unfit for employment, as described in 7 CFR 273.24 (c) (2).

1 4. A parent of a household member who is younger than 18 years old, even if
2 the household member who is younger than 18 years old is not eligible for food
3 stamps.

4 5. Residing in a household that includes a household member who is younger
5 than 18 years old, even if the household member who is younger than 18 years old
6 is not eligible for food stamps.

7 6. Exempt from the work requirement under the food stamp program, as
8 described in 7 CFR 273.24 (c) (5).

9 7. Pregnant.

10 **SECTION 1211v.** 49.79 (7m) of the statutes is created to read:

11 **49.79 (7m)** VOLUNTARY REDUCTION IN BENEFITS. To the extent permitted under
12 federal law, when the department determines that an individual or an individual's
13 household is eligible for the food stamp program, or when the department modifies
14 the amount of food stamp benefits for which an individual or an individual's
15 household is eligible, the department shall allow the individual to elect to receive
16 food stamp benefits in an amount that is less than the amount for which the
17 individual or the individual's household is eligible.

18 **SECTION 1212.** 49.79 (9) (a) 1. of the statutes is amended to read:

19 49.79 (9) (a) 1. The department shall administer an employment and training
20 program for recipients under the food stamp program and may contract with county
21 departments under ss. 46.215, 46.22, and 46.23, multicounty consortia, ~~and with~~
22 ~~local workforce development boards established under 29 USC 2832, tribal~~
23 ~~governing bodies, or other organizations~~ to carry out the administrative functions.
24 ~~The department may contract, or a~~ A county department, multicounty consortium,
25 ~~or local workforce development board, tribal governing body, or other organization~~

1 may subcontract, with a Wisconsin Works agency or another provider to administer
2 the employment and training program under this subsection. Except as provided in
3 subds. 2. and 3., the department may require able individuals who are 18 to 60 years
4 of age who are not participants in a Wisconsin Works employment position to
5 participate in the employment and training program under this subsection.

6 **SECTION 1213.** 49.79 (9) (a) 2. of the statutes is amended to read:

7 49.79 (9) (a) 2. The department may not require an individual who is a recipient
8 under the food stamp program and who is the caretaker of a child under the age of
9 ~~12-weeks~~ 6 to participate in any employment and training program under this
10 subsection.

11 **SECTION 1214.** 49.79 (9) (b) (intro.) of the statutes is amended to read:

12 49.79 (9) (b) (intro.) ~~An~~ Except as provided in par. (c), an individual who fails
13 to comply with the work requirements under par. (a) without good cause is ineligible
14 to participate in the food stamp program as follows:

15 **SECTION 1215.** 49.79 (9) (c) of the statutes is created to read:

16 49.79 (9) (c) If the department implements a policy under sub. (10), par. (b) does
17 not apply to an individual who is required to fulfill the work requirement under sub.
18 (10) (a).

19 **SECTION 1215m.** 49.79 (9) (d) of the statutes is created to read:

20 49.79 (9) (d) On each January 1, beginning on January 1, 2015, the department
21 shall provide a report to the appropriate standing committees of the legislature
22 under s. 13.172 (3) and to the joint committee on finance that includes the following
23 information:

1 1. The results of the department's ongoing evaluation of the program under this
2 subsection to analyze the employment outcomes for participants in the program, as
3 available.

4 2. An estimate of the number of able-bodied adults subject to the time limit
5 specified in sub. (10) (a) 2. who participated in the program under this subsection in
6 the previous 12 months.

7 3. The number of able-bodied adults subject to the time limit specified in sub.
8 (10) (a) 2. who disenrolled from the food stamp program in the previous 12 months.

9 4. A discussion of the impacts of the work requirement policy under sub. (10)
10 on the payment error rate under the food stamp program and on the workloads of
11 multicounty income maintenance consortia and the Milwaukee Enrollment Services
12 Center.

13 **SECTION 1216.** 49.79 (10) of the statutes is created to read:

14 49.79 (10) ELIGIBILITY AND WORK REQUIREMENTS FOR ABLE-BODIED ADULTS. (a) The
15 department may implement a policy that complies with 7 CFR 273.24. If the
16 department implements a policy under this paragraph, all of the following apply:

17 1. The department shall require an able-bodied adult who is participating in
18 the food stamp program to fulfill the work requirement defined under 7 CFR 273.24
19 (a) (1).

20 2. If an able-bodied adult does not fulfill the work requirement, the department
21 may limit the able-bodied adult's eligibility for food stamps to no more than 3 months
22 during a 3-year period.

23 3. The department may exempt up to 15 percent of the able-bodied adults who
24 are participating in the food stamp program from the time limit under subd. 2.

(b) If the department determines that a waiver, or an amendment to a waiver, is necessary to implement a policy that complies with 7 CFR 273.24, the department shall request the waiver or the amendment to the waiver from the federal department of agriculture to permit the department to implement a policy that complies with 7 CFR 273.24 as provided under this subsection.

SECTION 1217. 49.826 (2) (a) 3. of the statutes is repealed.

SECTION 1218. 49.83 of the statutes is amended to read:

49.83 Limitation on giving information. Except as provided under ss. 49.25 and 49.32 (9), (10), and (10m), no person may use or disclose information concerning applicants and recipients of relief funded by a relief block grant, aid to families with dependent children, Wisconsin Works under ss. 49.141 to 49.161, social services, child and spousal support and establishment of paternity and medical support liability services under s. 49.22, or supplemental payments under s. 49.77 for any purpose not connected with the administration of the programs, except that the ~~department~~ departments of children and families and health services may disclose, including by transmitting or granting access to electronic data, such information, including social security numbers, to the department of revenue for the sole purpose purposes of administering state taxes, including verifying refundable individual income tax credits, and collecting debts owed to the department of revenue. Any person violating this section may be fined not less than \$25 nor more than \$500 or imprisoned in the county jail not less than 10 days nor more than one year or both.

SECTION 1219. 49.84 (6) (c) 1. d. of the statutes is amended to read:

1 49.84 (6) (c) 1. d. A child who is receiving medical assistance under s. 49.46 (1)
2 (a) 13., 49.47 (4) (am) 3., or 49.471 (4) (a) 2. or ~~(b) 2.~~ 2m. or an unborn child receiving
3 prenatal care under s. 49.471.

4 **SECTION 1220.** 49.84 (7) of the statutes is created to read:

5 49.84 (7) (a) In this subsection:

6 1. “Department” means the department of health services.

7 2. “Medical Assistance” means the Medical Assistance program under subch.

8 IV.

9 (b) Except as provided in par. (c), for determining eligibility or continued
10 eligibility the department shall electronically verify the residence of an applicant for
11 or recipient of Medical Assistance. If the department is unable to verify the
12 applicant’s or recipient’s residence electronically, the applicant or recipient must
13 provide adequate proof of residency, in the manner determined by the department,
14 to be eligible for Medical Assistance.

15 (c) The requirements under par. (b) do not apply with respect to any of the
16 following:

17 1. An individual who is receiving benefits under the food stamp program under
18 7 USC 2011 to 2029 or under the Temporary Assistance for Needy Families block
19 grant program and who presented an acceptable form of residency verification for
20 receipt of those benefits.

21 2. An individual who resides in a nursing home, intermediate care facility,
22 inpatient psychiatric hospital, or other residential care facility and whose care in the
23 facility is paid for by Medical Assistance.

24 3. A child residing in a foster care placement under the care and placement
25 responsibility of a county department under s. 46.215, 46.22, or 46.23 or, in a county

1 with a population of 500,000 or more, under the care and placement responsibility
2 of the department of children and families.

3 **SECTION 1221.** 49.848 of the statutes is created to read:

4 **49.848 Treatment of real property owned by certain public assistance**
5 **recipients. (1) DEFINITIONS.** In this section:

6 (a) “Department” means the department of health services.

7 (b) “Public assistance” means any services provided as a benefit under a
8 long-term care program, as defined in s. 49.496 (1) (bk), that may be recoverable
9 under s. 49.496 (3) (a); medical assistance under subch. IV that may be recoverable
10 under s. 49.496 (3) (a); long-term community support services funded under s. 46.27
11 (7) that may be recoverable under s. 46.27 (7g) (c) 1.; or aid under s. 49.68, 49.683,
12 or 49.685 that may be recoverable under s. 49.682 (2) (a).

13 (c) “Recipient” means a person who received public assistance.

14 **(2) CREATION OF DOCUMENTS FOR RECORDING.** The department shall create all of
15 the following for recording in the office of the register of deeds in the real estate
16 records index:

17 (a) A document entitled “REQUEST FOR NOTICE OF TRANSFER OR
18 ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM,” which shall require
19 notice to the department with respect to any transfer of title to, placement of an
20 encumbrance on, or termination of an interest in, the property to which the document
21 relates and which shall provide notice that the department may have a claim against
22 the property to which the document relates on the basis of providing public
23 assistance to an individual who has or had a legal interest in the property.

24 (b) A document entitled “TERMINATION OF REQUEST FOR NOTICE OF
25 TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM,” which

1 shall provide notice that, with respect to property against which a REQUEST FOR
2 NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL
3 CLAIM has been recorded, no notice to the department is required when title to the
4 property is transferred, an encumbrance is placed on the property, or an interest in
5 the property is terminated.

6 (c) A document entitled “CERTIFICATE OF CLEARANCE,” which shall
7 provide notice that, with respect to property against which a REQUEST FOR
8 NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL
9 CLAIM has been recorded, but against which a TERMINATION OF REQUEST FOR
10 NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL
11 CLAIM has not been recorded, the department has no objection to the transfer of title
12 to, placement of an encumbrance on, or termination of an interest in, the property,
13 and that no notice to the department is required in the future when title to the
14 property is transferred, an encumbrance is placed on the property, or an interest in
15 the property is terminated.

16 **(3) RECORDING OF REQUEST FOR NOTICE AND TERMINATION OF REQUEST FOR NOTICE.**

17 (a) 1. Whenever an individual becomes eligible for public assistance, and at any time
18 during the time that an individual is eligible for public assistance, the department
19 may record a REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE AND
20 NOTICE OF POTENTIAL CLAIM if the individual has any of the following
21 ownership interests in real property:

22 a. A current ownership interest in real property, including a marital property
23 interest.

24 b. At any time within 5 years before the individual applied for public assistance
25 or during the time that the individual is eligible for public assistance, a marital

1 property interest in real property with his or her current spouse, if that spouse
2 currently holds title to the real property.

3 2. The department shall record the document in the office of the register of
4 deeds of the county in which the real property under subd. 1. a. or b., whichever is
5 applicable, is located.

6 3. In this paragraph, an interest in real property includes a vendee's or vendor's
7 interest in a land contract or an interest in real property held in a revocable trust.

8 (b) Whenever the department determines that, with respect to property
9 against which a REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE
10 AND NOTICE OF POTENTIAL CLAIM has been recorded, the department no
11 longer requires notice when title to the property is transferred, an encumbrance is
12 placed on the property, or an interest in the property is terminated, the department
13 shall record a TERMINATION OF REQUEST FOR NOTICE OF TRANSFER OR
14 ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM in the office of the
15 register of deeds of the county in which the REQUEST FOR NOTICE OF
16 TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM with
17 respect to the property was recorded.

18 (3m) DISCLOSURE OF REQUEST FOR NOTICE. If, in the course of a title search on
19 real property, a title insurance company or agent finds that a REQUEST FOR
20 NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL
21 CLAIM has been recorded against the property but a TERMINATION OF
22 REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF
23 POTENTIAL CLAIM has not been recorded against the property, the title insurance
24 company or agent shall disclose that a REQUEST FOR NOTICE OF TRANSFER OR
25 ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM has been recorded

1 against the property in any report submitted preliminary to issuing, or in any
2 commitment to offer, a certificate of title insurance for the real property.

3 (4) TRANSFERRING, ENCUMBERING, OR TERMINATING AN INTEREST IN PROPERTY;
4 CLEARANCE BY THE DEPARTMENT. (a) Any person transferring title to, encumbering, or
5 terminating an interest in, property against which a REQUEST FOR NOTICE OF
6 TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM has
7 been recorded, but against which a TERMINATION OF REQUEST FOR NOTICE
8 OF TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM has
9 not been recorded, shall notify the department of the proposed transfer,
10 encumbrance, or termination of interest.

11 (b) If, on the date that the person sends the notice under par. (a), the recipient
12 who had the ownership interest in the property when the department recorded the
13 REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF
14 POTENTIAL CLAIM is alive, the person may transfer title to, encumber, or
15 terminate an interest in, the property with no further action by the department.

16 (c) If, on the date that the person sends the notice under par. (a), the recipient
17 who had the ownership interest in the property when the department recorded the
18 REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF
19 POTENTIAL CLAIM is deceased, all of the following apply:

20 1. The department shall determine whether it has a claim against the property
21 for amounts paid on behalf of the recipient that are recoverable under s. 46.27 (7g)

22 (c) 1., 49.496 (3) (a), or 49.682 (2) (a).

23 2. If the department determines that it has no claim under subd. 1., the
24 department shall issue to the person seeking to transfer title to, encumber, or
25 terminate an interest in, the real property a CERTIFICATE OF CLEARANCE,

1 which the person shall record along with the instrument transferring title to,
2 encumbering, or terminating the interest in, the property.

3 3. If the department determines that it has a claim under subd. 1., the
4 department shall follow the procedure under sub. (5).

5 4. Transferring title to, encumbering, or terminating an interest in, the
6 property is not valid unless the department issues to the person, and the person
7 records, a **CERTIFICATE OF CLEARANCE**.

8 **(5) PROCEDURE IF DEPARTMENT HAS A CLAIM AGAINST REAL PROPERTY.** (a) This
9 subsection applies in any of the following situations:

10 1. If the department determines that it has a claim against real property under
11 sub. (4) (c) 1.

12 2. Upon the death of a recipient who, immediately before death, had an
13 ownership interest in real property, including a marital property interest, or whose
14 surviving spouse has an ownership interest in real property in which the recipient
15 had a marital property interest with that spouse at any time within 5 years before
16 the recipient applied for public assistance or during the time that the recipient was
17 eligible for public assistance, regardless of whether the department recorded a
18 **REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF**
19 **POTENTIAL CLAIM** with respect to the property.

20 (b) Unless the property is being transferred under s. 867.03 or through formal
21 or informal administration of the recipient's estate, the department shall send to the
22 person providing the notice to the department under sub. (4) (a), or to the surviving
23 owner of the property, whichever is applicable, a statement of claim that states all
24 of the following:

1 1. That the department has a claim against the property that it intends to
2 recover from the property.

3 2. The amount of and basis for the claim.

4 3. That the person has a right to an administrative hearing under par. (bm),
5 which must be requested within 45 days after the department sent the statement of
6 claim, on the extent and fair market value of the recipient's interest in the property
7 and how to request an administrative hearing.

8 4. That the transferee of the recipient's interest in the property or the surviving
9 owner of the property may request from the department a hardship waiver and how
10 to request a hardship waiver.

11 (bm) A person who receives a statement of claim from the department under
12 par. (b) is entitled to and may, within 45 days after the department sent the
13 statement of claim, request a departmental fair hearing on the value of the property
14 and the extent of the recipient's interest in the property. The value of the recipient's
15 interest in the property shall be determined in the manner provided in s. 49.849 (5c).

16 (c) The department may recover against the property in the manner
17 determined by the department to be appropriate, including by placing a lien on the
18 property. Subject to par. (d), the department may enforce a lien on the property by
19 foreclosure in the same manner as a mortgage on real property.

20 (d) The department may not enforce a lien under par. (c) as long as any of the
21 following is alive:

22 1. The recipient's spouse.

23 2. The recipient's child who is under age 21 or disabled, as defined in s. 49.468

24 (1) (a) 1.

1 (e) If the recipient's surviving spouse or child who is under age 21 or disabled
2 refinances a mortgage on the property, any lien under par. (c) is subordinate to the
3 new encumbrance.

4 (f) The department shall release a lien under par. (c) that the department could
5 not enforce because of par. (d), if any of the following applies:

6 1. The recipient's surviving spouse or child who is under age 21 or disabled sells
7 the property for fair market value, as described in s. 49.849 (5c) (d), during the
8 spouse's or child's lifetime.

9 2. The recipient's surviving spouse or child who is under age 21 or disabled
10 transfers the property for less than fair market value, as described in s. 49.849 (5c)
11 (d), during the spouse's or child's lifetime, the transferee sells the property during the
12 spouse's or child's lifetime and places proceeds equal to the lesser of the department's
13 lien or the sale proceeds due to the seller in a trust or bond, and the department is
14 paid the secured amount upon the death of the recipient's spouse or disabled child
15 or when the recipient's child who is not disabled reaches age 21.

16 3. The surviving owner or transferee of the property, who is not the recipient's
17 surviving spouse or child who is under age 21 or disabled, sells the property during
18 the lifetime of the recipient's surviving spouse or child who is under age 21 or
19 disabled and places proceeds equal to the lesser of the department's lien or the sale
20 proceeds due to the seller in a trust or bond, and the department is paid the secured
21 amount upon the death of the recipient's spouse or disabled child or when the
22 recipient's child who is not disabled reaches age 21.

23 **SECTION 1222.** 49.849 of the statutes is created to read:

24 **49.849 Recovery of correct payments under certain public assistance**
25 **programs. (1) DEFINITIONS.** In this section:

1 (a) “Decedent” means a deceased recipient or a deceased nonrecipient surviving
2 spouse, whichever is applicable.

3 (b) “Department” means the department of health services.

4 (c) “Nonrecipient surviving spouse” means any person who was married to a
5 recipient while the recipient was receiving public assistance and who survived the
6 recipient.

7 (d) 1. “Property of a decedent” means all real and personal property to which
8 the recipient held any legal title or in which the recipient had any legal interest
9 immediately before death, to the extent of that title or interest, including assets
10 transferred to a survivor, heir, or assignee through joint tenancy, tenancy in common,
11 survivorship, life estate, living trust, or any other arrangement.

12 2. Notwithstanding subd. 1., “property of a decedent” includes all real and
13 personal property in which the nonrecipient surviving spouse had an ownership
14 interest at the recipient’s death and in which the recipient had a marital property
15 interest with that nonrecipient surviving spouse at any time within 5 years before
16 the recipient applied for public assistance or during the time that the recipient was
17 eligible for public assistance.

18 (e) “Public assistance” means any services provided as a benefit under a
19 long-term care program, as defined in s. 49.496 (1) (bk), medical assistance under
20 subch. IV, long-term community support services funded under s. 46.27 (7), or aid
21 under s. 49.68, 49.683, or 49.685.

22 (f) “Recipient” means a person who received public assistance.

23 (2) RECOVERABLE AMOUNTS. (c) There is a presumption, which may be rebutted
24 by clear and convincing evidence, that all property of the deceased nonrecipient
25 surviving spouse was marital property held with the recipient and that 100 percent

1 of the property of the deceased nonrecipient surviving spouse is subject to the
2 department's claim under par. (a).

3 (3) TRANSMITTAL OF PROPERTY UPON RECEIPT OF AFFIDAVIT. (a) Any property of a
4 decedent that is transferred by a person who has possession of the property at the
5 time of the decedent's death is subject to the right of the department to recover the
6 amounts specified in sub. (2) (a). Upon request, the person who transferred the
7 property shall provide to the department information about the property of the
8 decedent that the person has transferred and information about the persons to whom
9 the property was transferred.

10 (c) An affidavit under this subsection shall contain all of the following
11 information:

12 1. That the department has a claim against the property that it intends to
13 recover from the property.

14 2. The amount of and basis for the claim.

15 3. That the person may have a right to an administrative hearing under sub.
16 (5m), which must be requested within 45 days after the department sent the
17 affidavit, on the extent and fair market value of the recipient's interest in the
18 property.

19 4. How to request an administrative hearing under sub. (5m).

20 5. That the person may request from the department a hardship waiver, if the
21 person co-owned the property with the decedent or is a beneficiary of the property.

22 6. How to request a hardship waiver under subd. 5.

23 (4) RECOVERY AGAINST REAL PROPERTY. (c) All of the following apply to a lien
24 under par. (a) that the department may not enforce because of par. (b):

1 1. If the decedent's surviving spouse or child who is under age 21 or disabled
2 refinances a mortgage on the real property, the lien is subordinate to the new
3 encumbrance.

4 2. The department shall release the lien in the circumstances described in s.
5 49.848 (5) (f).

6 **(4m)** ALLOWABLE COSTS OF SALE OF REAL PROPERTY. (a) Subject to par. (b), if any
7 property of a decedent that is real property has been sold after the death of the
8 decedent, only the following reasonable expenses, if any, incurred in preserving or
9 disposing of the real property may be deducted from the sale proceeds that the
10 department may recover:

11 1. Closing costs of sale, including reasonable attorney fees of the seller, the cost
12 of title insurance, and recording costs.

13 2. Property insurance premiums.

14 3. Property taxes due.

15 4. Utility costs necessary to preserve the property.

16 5. Expenses incurred in providing necessary maintenance or making necessary
17 repairs, without which the salability of the property would be substantially
18 impaired.

19 (b) Any expense under par. (a) may be deducted from the sale proceeds only if
20 it is documented and approved by the department and it was not incurred while any
21 other individual was living on the property.

22 **(5c)** VALUE OF RECIPIENT'S INTEREST. For purposes of determining the value of
23 the recipient's interest in property of the decedent, all of the following apply:

24 (a) If the recipient held title to real property jointly with one or more persons
25 other than his or her spouse, the recipient's interest in the real property is equal to

1 the fractional interest that the recipient would have had in the property if the
2 property had been held with the other owner or owners as tenants in common.

3 (b) If the recipient held title to personal property jointly with one or more
4 persons other than his or her spouse, the recipient's interest in the personal property
5 is equal to either of the following:

6 1. The percentage interest that was attributed to the recipient when his or her
7 eligibility for public assistance was determined.

8 2. If the percentage interest was not determined as provided in subd. 1., the
9 fractional interest that the recipient would have had in the property if the property
10 had been held with the other co-owner or co-owners as tenants in common.

11 (c) If the recipient held a life estate in real property, the recipient's interest is
12 equal to the recipient's percentage of ownership in the property based on the
13 recipient's age on the date of death and calculated using the fair market value of the
14 property and life estate–remainderman tables used by the department to value life
15 estates for purposes of determining eligibility for Medical Assistance.

16 (d) A property's fair market value is the price that a willing buyer would pay
17 a willing seller for the purchase of the property. The burden of proof for establishing
18 a property's fair market value is on the surviving owners or beneficiaries, or their
19 representatives. Fair market value must be established through a credible
20 methodology, which may include an appraisal performed by a licensed appraiser.

21 **(5m) FAIR HEARING.** A person who has possession of any property of the
22 decedent, or who receives an affidavit from the department under sub. (3) (c) for
23 transmittal of any property of the decedent, is entitled to and may, within 45 days
24 after the affidavit was sent, request a departmental fair hearing on the value of the
25 property and the extent of the recipient's interest in the property, if the property is

1 not being transferred under s. 867.03 or through formal or informal administration
2 of the decedent's estate.

3 **(5r) ACTION OR ORDER TO ENFORCE RECOVERY.** (a) If, after receipt of an affidavit
4 under sub. (3), a person who possesses property of a decedent does not transmit the
5 property to the department or timely request a hearing, the department may bring
6 an action to enforce its right to collect amounts specified in sub. (2) (a) from the
7 property or may issue an order to compel transmittal of the property. Any person
8 aggrieved by an order issued by the department under this paragraph may appeal
9 the order as a class 3 proceeding, as defined in s. 227.01 (3) (c), under ch. 227 by filing
10 a request for appeal, within 30 days after the date of the order, with the division of
11 hearings and appeals created under s. 15.103 (1). The date on which the division of
12 hearings and appeals receives the request for appeal shall be the date of service. The
13 only issue at the hearing shall be whether the person has transmitted the property
14 to the department. The decision of the division of hearing and appeals shall be the
15 final decision of the department.

16 (b) If any person named in an order to compel transmittal of property issued
17 under par. (a) fails to transmit the property under the terms of the order and no
18 contested case to review the order is pending and the time for filing for a contested
19 case review has expired, the department may present a certified copy of the order to
20 the circuit court for any county. The sworn statement of the secretary shall be
21 evidence of the department's right to collect amounts specified in sub. (2) (a) from the
22 property and of the person's failure to transmit the property to the department. The
23 circuit court shall, without notice, render judgment in accordance with the order. A
24 judgment rendered under this paragraph shall have the same effect and shall be
25 entered in the judgment and lien docket and may be enforced in the same manner

1 as if the judgment had been rendered in an action tried and determined by the circuit
2 court.

3 (c) The recovery procedure under this subsection is in addition to any other
4 recovery procedure authorized by law.

5 **(6) PAYMENTS FROM RECOVERED AMOUNTS.**

6 **SECTION 1223.** 49.85 (title) of the statutes is amended to read:

7 **49.85 (title) Certification of certain public assistance overpayments,**
8 **payment recoveries, and delinquent loan repayments.**

9 **SECTION 1224.** 49.85 (2) (a) (intro.) of the statutes is amended to read:

10 49.85 (2) (a) (intro.) At least annually, the department of health services shall
11 certify to the department of revenue the amounts that, based on the notifications
12 received under sub. (1) and on other information received by the department of
13 health services, the department of health services has determined that it may
14 recover under s. 49.45 (2) (a) 10., 49.497, 49.793, ~~or~~ 49.847, or 49.849, except that the
15 department of health services may not certify an amount under this subsection
16 unless all of the following apply:

17 **SECTION 1225.** 49.85 (2) (a) 4. of the statutes is created to read:

18 49.85 (2) (a) 4. If the determination relates to recovery of an amount under s.
19 49.849, the determination was rendered to a judgment under s. 49.849 (5r) (b).

20 **SECTION 1226.** 49.85 (3) (a) 1. of the statutes is amended to read:

21 49.85 (3) (a) 1. Inform the person that the department of health services
22 intends to certify to the department of revenue an amount that the department of
23 health services has determined to be due under s. 49.45 (2) (a) 10., 49.497, 49.793,
24 ~~or~~ 49.847, or 49.849, for setoff from any state tax refund that may be due the person.

25 **SECTION 1227.** 49.857 (1) (d) 14m. of the statutes is created to read:

1 49.857 (1) (d) 14m. A registration issued under ss. 202.12 to 202.14 or 202.22.

2 **SECTION 1227c.** 49.857 (1) (d) 20. of the statutes is amended to read:

3 49.857 (1) (d) 20. A license issued under s. 628.04, 628.92 (1), 632.69 (2), or
4 633.14 or a temporary license issued under s. 628.09.

5 **SECTION 1228.** 50.01 (1g) (h) of the statutes is created to read:

6 50.01 (1g) (h) A private residence that is the home to adults who independently
7 arrange for and receive care, treatment, or services for themselves from a person or
8 agency that has no authority to exercise direction or control over the residence.

9 **SECTION 1229.** 50.03 (4m) (b) of the statutes is amended to read:

10 50.03 (4m) (b) If the applicant for licensure as a community-based residential
11 facility has not been previously licensed under this subchapter or if the
12 community-based residential facility is not in operation at the time application is
13 made, the department shall issue a probationary license, except that the department
14 may deny licensure to any person who conducted, maintained, operated or permitted
15 to be maintained or operated a community-based residential facility for which
16 licensure was revoked within 5 years before application is made. A probationary
17 license shall be valid for up to 12 months from the date of issuance unless sooner
18 suspended or revoked under sub. (5g). Prior to the expiration of a probationary
19 license, the department shall ~~inspect~~ evaluate the community-based residential
20 facility ~~and, if.~~ In evaluating the community-based residential facility, the
21 department may conduct an inspection of the community-based residential facility.
22 If, after the department evaluates the community-based residential facility, the
23 department finds that the community-based residential facility meets the
24 applicable requirements for licensure, the department shall issue a regular license
25 under sub. (4) (a) 1. b. If the department finds that the community-based residential

1 facility does not meet the requirements for licensure, the department may not issue
2 a regular license under sub. (4) (a) 1. b.

3 **SECTION 1229q.** 50.065 (2) (am) 4. of the statutes is amended to read:

4 50.065 (2) (am) 4. Information maintained by the department regarding any
5 ~~substantiated reports of child abuse or neglect against the person~~ final
6 determination under s. 48.981 (3) (c) 5m. or, if a contested case hearing is held on such
7 a determination, any final decision under s. 48.981 (3) (c) 5p. that the person has
8 abused or neglected a child.

9 **SECTION 1229s.** 50.065 (2) (b) 4. of the statutes is amended to read:

10 50.065 (2) (b) 4. Information maintained by the department regarding any
11 ~~substantiated reports of child abuse or neglect against the person~~ final
12 determination under s. 48.981 (3) (c) 5m. or, if a contested case hearing is held on such
13 a determination, any final decision under s. 48.981 (3) (c) 5p. that the person has
14 abused or neglected a child.

15 **SECTION 1229u.** 50.065 (4m) (a) 4. of the statutes is amended to read:

16 50.065 (4m) (a) 4. That a final determination has been made under s. 48.981
17 (3) (c) ~~4. 5m. or, if a contested case hearing is held on such a determination, a final~~
18 decision has been made under s. 48.981 (3) (c) 5p. that the person has abused or
19 neglected a child.

20 **SECTION 1229w.** 50.065 (4m) (b) 4. of the statutes is amended to read:

21 50.065 (4m) (b) 4. That a final determination has been made under s. 48.981
22 (3) (c) ~~4. 5m. or, if a contested case hearing is held on such a determination, a final~~
23 decision has been made under s. 48.981 (3) (c) 5p. that the person has abused or
24 neglected a child.

25 **SECTION 1230.** 50.14 (2) (bm) of the statutes is amended to read: